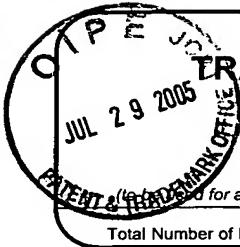


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**TRANSMITTAL  
FORM**

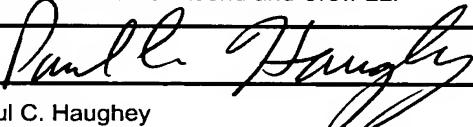
(Use back of page for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/802,669      |
| Filing Date            | March 16, 2004  |
| First Named Inventor   | Lee, Wai-Hon    |
| Art Unit               | 2878            |
| Examiner Name          |                 |
| Attorney Docket Number | 014554-002600US |

| <b>ENCLOSURES</b> <i>(Check all that apply)</i>  |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> <b>Information Disclosure Statement</b><br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><b>Return Postcard</b><br><b>European Search Report (3pp)</b><br><b>1 cited foreign patent</b><br><b>1 cited non-patent reference</b> |
| <input type="checkbox"/> Remarks <span style="border: 1px solid black; padding: 2px;">The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</span>  |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | Townsend and Townsend and Crew LLP  |          |        |
| Signature    |  |          |        |
| Printed name | Paul C. Haughey   |          |        |
| Date         | July 27, 2005   | Reg. No. | 31,836 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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| Typed or printed name | Gloria Sikora   |
| Date                  | July 27, 2005   |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

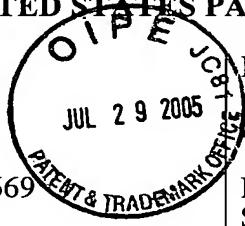
In re application of:

Wai-Hon Lee

Application No.: 10/802,669

Filed: March 16, 2004

For: OPTICAL POSITION ENCODER  
DEVICE



Examiner: Brian J. Livedalen

Art Unit: 2878

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 27, 2005

Sir:

The references cited on attached form PTO/SB/08A&B are being called to the attention of the Examiner. Copies of the foreign and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of the **European Search Report** for the European application EP05251548.3 which cites the enclosed references. Please note that the European Examiner cites a PhD dissertation published in the German language. A copy of a written English-language translation of the dissertation, or portion thereof, is not within the possession, custody, or control of, or is readily available to any individual designated in 37 CFR §1.56(c).

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Paul C. Haughey  
Reg. No. 31,836



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| Substitute for form 1449A&B/PTO                      |                    |    |   | <b>Complete if Known</b> |  |
| <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |                    |    |   |                          |  |
| (use as many sheets as necessary)                    |                    |    |   |                          |  |
| Sheet  | 1                  | of | 1 |                          |  |
|  |                    |    |   |                          |  |
|  |                    |    |   |                          |  |
| Application Number                                   | 10/802,669         |    |   |                          |  |
| Filing Date  | March 16, 2004     |    |   |                          |  |
| First Named Inventor                                 | Wai-Hon Lee        |    |   |                          |  |
| Art Unit   | 2878               |    |   |                          |  |
| Examiner Name  | Brian J. Livedalen |    |   |                          |  |
| Attorney Docket Number                               | 014554-002600US    |    |   |                          |  |

| <b>U.S. PATENT DOCUMENTS+</b> |                       |   |                                |  |   |
|-------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*            | Cite No. <sup>1</sup> | Document Number<br>Number Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                               | 0001                  | US-5,302,820 A  | 04-12-1994                     | Henshaw et al.                                     |   |
|                               | 0002                  | US-5,889,280 A  | 03-30-1999                     | Matsuura et al.                                    |   |
|                               |                       |   |                                |  |   |
|                               |                       |   |                                |  |   |
|                               |                       |   |                                |  |   |
|                               |                       |   |                                |  |   |

| <b>FOREIGN PATENT DOCUMENTS</b> |                       |                           |   |                                |  |  |                          |
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| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   |   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup>           |
|                                 |                       | Country Code <sup>3</sup> | Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |  |                          |
|                                 | 0003                  | EP                        | 0 714 015 A   | 05-29-1996                     | Mitutoyo Corporation                               |  | <input type="checkbox"/> |
|                                 |                       |                           |   |                                |  |  |                          |
|                                 |                       |                           |   |                                |  |  |                          |
|                                 |                       |                           |   |                                |  |  |                          |
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| <b>NON PATENT LITERATURE DOCUMENTS</b> |                       |   |  |  |  |                             |
|--|-----------------------|---|--|--|--|-----------------------------|
| Examiner Initials *                    | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  |  |  | T <sup>2</sup>              |
|  | 0004                  | J. Willhelm: "Dreigitterschrittgeber" 1978, Technische Universität Hannover, XP002327534, pp. 28-51   |  |  |  | <input type="checkbox"/> no |
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.